

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by  
5 changing Section 5-2 as follows:

6 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

7 Sec. 5-2. Classes of Persons Eligible. Medical assistance  
8 under this Article shall be available to any of the following  
9 classes of persons in respect to whom a plan for coverage has  
10 been submitted to the Governor by the Illinois Department and  
11 approved by him:

12 1. Recipients of basic maintenance grants under  
13 Articles III and IV.

14 2. Persons otherwise eligible for basic maintenance  
15 under Articles III and IV but who fail to qualify  
16 thereunder on the basis of need, and who have insufficient  
17 income and resources to meet the costs of necessary medical  
18 care, including but not limited to the following:

19 (a) All persons otherwise eligible for basic  
20 maintenance under Article III but who fail to qualify  
21 under that Article on the basis of need and who meet  
22 either of the following requirements:

23 (i) their income, as determined by the  
24 Illinois Department in accordance with any federal  
25 requirements, is equal to or less than 70% in  
26 fiscal year 2001, equal to or less than 85% in  
27 fiscal year 2002 and until a date to be determined  
28 by the Department by rule, and equal to or less  
29 than 100% beginning on the date determined by the  
30 Department by rule, of the nonfarm income official  
31 poverty line, as defined by the federal Office of  
32 Management and Budget and revised annually in

1           accordance with Section 673(2) of the Omnibus  
2           Budget Reconciliation Act of 1981, applicable to  
3           families of the same size; or

4           (ii) their income, after the deduction of  
5           costs incurred for medical care and for other types  
6           of remedial care, is equal to or less than 70% in  
7           fiscal year 2001, equal to or less than 85% in  
8           fiscal year 2002 and until a date to be determined  
9           by the Department by rule, and equal to or less  
10          than 100% beginning on the date determined by the  
11          Department by rule, of the nonfarm income official  
12          poverty line, as defined in item (i) of this  
13          subparagraph (a).

14          (b) All persons who would be determined eligible  
15          for such basic maintenance under Article IV by  
16          disregarding the maximum earned income permitted by  
17          federal law.

18          3. Persons who would otherwise qualify for Aid to the  
19          Medically Indigent under Article VII.

20          4. Persons not eligible under any of the preceding  
21          paragraphs who fall sick, are injured, or die, not having  
22          sufficient money, property or other resources to meet the  
23          costs of necessary medical care or funeral and burial  
24          expenses.

25          5.(a) Women during pregnancy, after the fact of  
26          pregnancy has been determined by medical diagnosis, and  
27          during the 60-day period beginning on the last day of the  
28          pregnancy, together with their infants and children born  
29          after September 30, 1983, whose income and resources are  
30          insufficient to meet the costs of necessary medical care to  
31          the maximum extent possible under Title XIX of the Federal  
32          Social Security Act.

33          (b) The Illinois Department and the Governor shall  
34          provide a plan for coverage of the persons eligible under  
35          paragraph 5(a) by April 1, 1990. Such plan shall provide  
36          ambulatory prenatal care to pregnant women during a

1 presumptive eligibility period and establish an income  
2 eligibility standard that is equal to 133% of the nonfarm  
3 income official poverty line, as defined by the federal  
4 Office of Management and Budget and revised annually in  
5 accordance with Section 673(2) of the Omnibus Budget  
6 Reconciliation Act of 1981, applicable to families of the  
7 same size, provided that costs incurred for medical care  
8 are not taken into account in determining such income  
9 eligibility.

10 (c) The Illinois Department may conduct a  
11 demonstration in at least one county that will provide  
12 medical assistance to pregnant women, together with their  
13 infants and children up to one year of age, where the  
14 income eligibility standard is set up to 185% of the  
15 nonfarm income official poverty line, as defined by the  
16 federal Office of Management and Budget. The Illinois  
17 Department shall seek and obtain necessary authorization  
18 provided under federal law to implement such a  
19 demonstration. Such demonstration may establish resource  
20 standards that are not more restrictive than those  
21 established under Article IV of this Code.

22 6. Persons under the age of 18 who fail to qualify as  
23 dependent under Article IV and who have insufficient income  
24 and resources to meet the costs of necessary medical care  
25 to the maximum extent permitted under Title XIX of the  
26 Federal Social Security Act.

27 7. Persons who are under 21 years of age and would  
28 qualify as disabled as defined under the Federal  
29 Supplemental Security Income Program, provided medical  
30 service for such persons would be eligible for Federal  
31 Financial Participation, and provided the Illinois  
32 Department determines that:

33 (a) the person requires a level of care provided by  
34 a hospital, skilled nursing facility, or intermediate  
35 care facility, as determined by a physician licensed to  
36 practice medicine in all its branches;

1 (b) it is appropriate to provide such care outside  
2 of an institution, as determined by a physician  
3 licensed to practice medicine in all its branches;

4 (c) the estimated amount which would be expended  
5 for care outside the institution is not greater than  
6 the estimated amount which would be expended in an  
7 institution.

8 8. Persons who become ineligible for basic maintenance  
9 assistance under Article IV of this Code in programs  
10 administered by the Illinois Department due to employment  
11 earnings and persons in assistance units comprised of  
12 adults and children who become ineligible for basic  
13 maintenance assistance under Article VI of this Code due to  
14 employment earnings. The plan for coverage for this class  
15 of persons shall:

16 (a) extend the medical assistance coverage for up  
17 to 12 months following termination of basic  
18 maintenance assistance; and

19 (b) offer persons who have initially received 6  
20 months of the coverage provided in paragraph (a) above,  
21 the option of receiving an additional 6 months of  
22 coverage, subject to the following:

23 (i) such coverage shall be pursuant to  
24 provisions of the federal Social Security Act;

25 (ii) such coverage shall include all services  
26 covered while the person was eligible for basic  
27 maintenance assistance;

28 (iii) no premium shall be charged for such  
29 coverage; and

30 (iv) such coverage shall be suspended in the  
31 event of a person's failure without good cause to  
32 file in a timely fashion reports required for this  
33 coverage under the Social Security Act and  
34 coverage shall be reinstated upon the filing of  
35 such reports if the person remains otherwise  
36 eligible.

1           9. Persons with acquired immunodeficiency syndrome  
2           (AIDS) or with AIDS-related conditions with respect to whom  
3           there has been a determination that but for home or  
4           community-based services such individuals would require  
5           the level of care provided in an inpatient hospital,  
6           skilled nursing facility or intermediate care facility the  
7           cost of which is reimbursed under this Article. Assistance  
8           shall be provided to such persons to the maximum extent  
9           permitted under Title XIX of the Federal Social Security  
10          Act.

11          10. Participants in the long-term care insurance  
12          partnership program established under the Partnership for  
13          Long-Term Care Act who meet the qualifications for  
14          protection of resources described in Section 25 of that  
15          Act.

16          11. Persons with disabilities who are employed and  
17          eligible for Medicaid, pursuant to Section  
18          1902(a)(10)(A)(ii)(xv) of the Social Security Act, as  
19          provided by the Illinois Department by rule.

20          12. Subject to federal approval, persons who are  
21          eligible for medical assistance coverage under applicable  
22          provisions of the federal Social Security Act and the  
23          federal Breast and Cervical Cancer Prevention and  
24          Treatment Act of 2000. Those eligible persons are defined  
25          to include, but not be limited to, the following persons:

26               (1) persons who have been screened for breast or  
27               cervical cancer under the U.S. Centers for Disease  
28               Control and Prevention Breast and Cervical Cancer  
29               Program established under Title XV of the federal  
30               Public Health Services Act in accordance with the  
31               requirements of Section 1504 of that Act as  
32               administered by the Illinois Department of Public  
33               Health; and

34               (2) persons whose screenings under the above  
35               program were funded in whole or in part by funds  
36               appropriated to the Illinois Department of Public

1 Health for breast or cervical cancer screening.

2 "Medical assistance" under this paragraph 12 shall be  
3 identical to the benefits provided under the State's  
4 approved plan under Title XIX of the Social Security Act.  
5 The Department must request federal approval of the  
6 coverage under this paragraph 12 within 30 days after the  
7 effective date of this amendatory Act of the 92nd General  
8 Assembly.

9 13. Subject to appropriation and to federal approval,  
10 persons living with HIV/AIDS who are not otherwise eligible  
11 under this Article and who qualify for services covered  
12 under Section 5-5.04 as provided by the Illinois Department  
13 by rule.

14 14. Persons who reside in Illinois who are not eligible  
15 under any of the preceding paragraphs and who meet the  
16 income guidelines of paragraph 2(a) of this Section and (i)  
17 have a pending application for asylum with the federal  
18 Department of Homeland Security and are represented by  
19 counsel in regard to that application, or (ii) are  
20 receiving services through a federally funded torture  
21 treatment center, or (iii) can demonstrate, in accordance  
22 with rules adopted by the Department of Healthcare and  
23 Family Services, that they are seeking treatment for trauma  
24 resulting from torture in their countries of origin or  
25 previous countries of residence. Medical coverage under  
26 this paragraph 14 shall be provided for up to 24 continuous  
27 months from the initial eligibility date so long as an  
28 individual continues to satisfy the criteria of this  
29 paragraph 14.

30 The Illinois Department and the Governor shall provide a  
31 plan for coverage of the persons eligible under paragraph 7 as  
32 soon as possible after July 1, 1984.

33 The eligibility of any such person for medical assistance  
34 under this Article is not affected by the payment of any grant  
35 under the Senior Citizens and Disabled Persons Property Tax  
36 Relief and Pharmaceutical Assistance Act or any distributions

1 or items of income described under subparagraph (X) of  
2 paragraph (2) of subsection (a) of Section 203 of the Illinois  
3 Income Tax Act. The Department shall by rule establish the  
4 amounts of assets to be disregarded in determining eligibility  
5 for medical assistance, which shall at a minimum equal the  
6 amounts to be disregarded under the Federal Supplemental  
7 Security Income Program. The amount of assets of a single  
8 person to be disregarded shall not be less than \$2,000, and the  
9 amount of assets of a married couple to be disregarded shall  
10 not be less than \$3,000.

11 To the extent permitted under federal law, any person found  
12 guilty of a second violation of Article VIII A shall be  
13 ineligible for medical assistance under this Article, as  
14 provided in Section 8A-8.

15 The eligibility of any person for medical assistance under  
16 this Article shall not be affected by the receipt by the person  
17 of donations or benefits from fundraisers held for the person  
18 in cases of serious illness, as long as neither the person nor  
19 members of the person's family have actual control over the  
20 donations or benefits or the disbursement of the donations or  
21 benefits.

22 (Source: P.A. 93-20, eff. 6-20-03; 94-629, eff. 1-1-06.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.